

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	David H. Coar	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6646	DATE	January 8, 2008
CASE TITLE	Robert Williams (#2007-0013791) v. Cook County Sheriff		

DOCKET ENTRY TEXT:

Plaintiff Robert Williams has filed this suit without either paying the \$350 filing fee or submitting an application to proceed *in forma pauperis*. Furthermore, his complaint is not on this Court's form in accordance with Local Rule 81.1. If plaintiff wants to continue with this action, within 30 days of the date of this order, he must: (1) either prepay the \$350 filing fee or submit a completed application to proceed *in forma pauperis*, and (2) file an amended complaint on this Court's form. Plaintiff's failure to comply with this order within 30 days of the date of this order may be construed as his desire not to proceed with this case and may result in dismissal of this case without prejudice. The clerk is directed to send to plaintiff an *in forma pauperis* application and an amended complaint form, along with a copy of this order.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff Robert Williams (#2007-0013791), currently incarcerated at Cook County Jail, has filed this 42 U.S.C. §1983 suit against the Cook County Sheriff. Plaintiff seeks damages for having to submit to the swabbing of his penis. Although the clerk has accepted the complaint pursuant to Fed. R. Civ. P. 5, plaintiff has neither paid the filing fee nor submitted an *in forma pauperis* application. Nor has plaintiff filed his complaint on this Court's form pursuant to Local Rule 81.1.

Under the Prison Litigation Reform Act ("PLRA"), an inmate must either prepay the \$350 filing fee or seek leave to proceed *in forma pauperis* to file his complaint. If the inmate is unable to prepay the filing fee, the Court will assess an initial partial payment, and allow deductions from his prison or jail trust fund account as additional partial payments until the entire filing fee is paid. This Court requires that inmates seeking leave to file *in forma pauperis* file their motions on a prescribed form. Local Rule 3.3. The form requires inmates to obtain a certificate stating the amount of money they have on deposit in their prison or jail trust fund account. Inmates must also "submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined." 28 U.S.C. § 1915(a)(2). These documents are necessary for this Court to determine whether plaintiff qualifies as a pauper and to assess an initial partial payment of the filing fee. If plaintiff wants to proceed with this action, he must either prepay the \$350 filing fee or submit a completed *in forma pauperis* application on the enclosed form, and include a certificate from an authorized officer and a copy of his trust fund account showing all activity therein for the six-month period immediately preceding his filing of the instant suit.

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STATEMENT (continued)

Additionally, the current complaint is not on this Court's form as required under Local Rule 81.1. Therefore, plaintiff's complaint is dismissed without prejudice to plaintiff submitting an amended complaint on this Court's form. The clerk shall forward to plaintiff an amended complaint form.

If plaintiff wants to proceed with this case, he must, within 30 days of the date of this order: (1) either pay the \$350 filing fee or submit a completed *in forma pauperis* application, and (2) submit an amended complaint on this Court's form. Failure to comply with this order within 30 days may be construed as plaintiff's desire not to proceed with this case and result in dismissal of this action without prejudice. The clerk is directed to send to plaintiff an *in forma pauperis* application and an amended complaint form, along with a copy of this order.